

CROUCH

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 030523/0105

In re patent application of

Henryk LUBON, *et al.*

Serial No.: 07/943,246

Filed: September 10, 1992

Batch No. D55

Group Art Unit: 1632

Examiner: D. CROUCH

For: **EXPRESSION OF A HETEROLGOUS POLYPEPTIDE IN MAMMARY
TISSUE OF TRANSGENIC NON-HUMAN MAMMALS USING A
LONG WHEY ACIDIC PROTEIN PROMOTER**

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PETITION AND AMENDMENT UNDER 37 C.F.R. 1.48(a)

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Please amend the above-captioned application to add the following individual
as an inventor: -- William H. VELANDER--.

In support of this petition, the following documents are included:

(a) A statement by the added inventor, William H. Velander, that the
error in inventorship occurred without deceptive intent on his part;

(b) An executed Declaration and Power of Attorney, signed by all the
actual inventors (Henryk Lubon, William N. Drohan, Lothar Hennighausen and William
H. Velander);

(c) The fee as set forth in Section 1.17(i); and

(d) Consent of Assignee signed by both assignees.

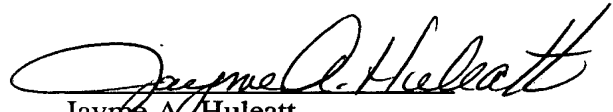
11/03/1998 PDEL0ATC 00000009 07943246
01 FC:122
A check in the amount of \$130.000 is attached hereto. This amount is
believed to be correct. However, the Commissioner is hereby authorized to charge any

Serial No: 07/943,246

deficiency or credit any overpayment to Deposit Account No. 19-0741. A duplicate copy of this letter is attached for this purpose.

Respectfully submitted,

October 30, 1998
Date


Jayne A. Huleatt
Registration No. 34,485

Foley & Lardner
3000 K Street, N.W., Suite 500
Washington, D.C. 20007-5109
(202) 672-5300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 30523/105

In re patent application of

Henryk LUBON et al.

Serial No. 07/943,246

Filed: September 10, 1992

Batch No. D55

Group Art Unit: 1632

Examiner: D. Crouch

For: EXPRESSION OF A HETEROLOGOUS POLYPEPTIDE IN MAMMARY
TISSUE OF TRANSGENIC NON-HUMAN MAMMALS USING A LONG
WHEY ACIDIC PROTEIN PROMOTER

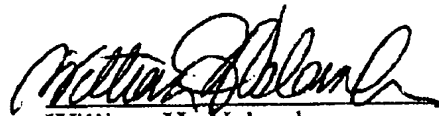
STATEMENT IN SUPPORT OF CORRECTING INVENTORSHIP
UNDER 37 CFR §1.48(a)

I am an inventor of U.S. Patent Application Serial No. 07/943,246 filed on September 10, 1992 ("the application"). I was erroneously not included as an inventor when the application was filed. The error in inventorship occurred without deceptive intent on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this patent.

Date

10/29/98



William H. Velandier

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DECLARATION AND POWER OF ATTORNEY

Docket No. 30523/105

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

EXPRESSION OF A HETEROLOGOUS POLYPEPTIDE IN MAMMARY TISSUE OF TRANSGENIC NON-HUMAN MAMMALS USING A LONG WHEY ACIDIC PROTEIN PROMOTER

the specification of which is attached hereto unless the following box is checked:

XX was filed on September 10, 1992 as United States Application Number or PCT International Application Number 07/943,246 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

APPLICATION NO.	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS: PATENTED, PENDING, ABANDONED
<u>07/638,995</u>	<u>January 11, 1991</u>	<u>Abandoned</u>

I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Patricia D. Granados, Reg. No. 33,683; John P. Isaacson, Reg. No. 33,715; Eugene M. Lee, Reg. No. 32,039; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; George E. Quillin, Reg. No. 32,792; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

Address all correspondence to **POLEY & LARDNER**, 3000 K Street, N.W., Suite 500, Washington, DC 20007-5109. Address telephone communications to Patricia D. Granados at (202) 672-5300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor Henryk LUBON	Signature of First or Sole Inventor <i>Henryk Lubon</i>	Date 10/30/98
Residence Address Derwood, Maryland	Country of Citizenship Poland	
Post Office Address 8010 Needwood Road, #204, Derwood, Maryland 20855		

Full Name of Second Inventor William N. DROHAN	Signature of Second Inventor <i>William N. Drohan</i>	Date 10/30/98
Residence Address Springfield, Virginia	Country of Citizenship United States	
Post Office Address 8417 Oakford Drive, Springfield, Virginia 22152		

Full Name of Third Inventor Lothar HENNIGHAUSEN	Signature of Third Inventor	Date
Residence Address Chevy Chase, Maryland	Country of Citizenship United States	
Post Office Address 8806 Altimont Lane, Chevy Chase, Maryland 20815		

Full Name of Fourth Inventor William H. VELANDER	Signature of Fourth Inventor	Date
Residence Address Blacksburg, Virginia	Country of Citizenship United States	
Post Office Address 3014 Lancaster Drive, Blackburg, Virginia 24060		

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

EXPRESSION OF A HETEROLOGOUS POLYPEPTIDE IN MAMMARY TISSUE OF TRANSGENIC NON-HUMAN MAMMALS USING A LONG WHEY ACIDIC PROTEIN PROMOTER

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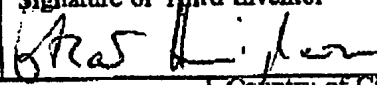
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Full Name of First or Sole Inventor Henryk LUBON	Signature of First or Sole Inventor	Date
Residence Address Derwood, Maryland	Country of Citizenship Poland	
Post Office Address 8010 Needwood Road, #204, Derwood, Maryland 20855		

Full Name of Second Inventor William N. DROHAN	Signature of Second Inventor	Date
Residence Address Springfield, Virginia	Country of Citizenship United States	
Post Office Address 8417 Oakford Drive, Springfield, Virginia 22152		

Full Name of Third Inventor Lothar HENNIGHAUSEN	Signature of Third Inventor 	Date 10-30-98
Residence Address Chevy Chase, Maryland	Country of Citizenship United States	
Post Office Address 8806 Altmont Lane, Chevy Chase, Maryland 20815		

Full Name of Fourth Inventor William H. VELANDER	Signature of Fourth Inventor	Date
Residence Address Blacksburg, Virginia	Country of Citizenship United States	
Post Office Address 3014 Lancaster Drive, Blacksburg, Virginia 24060		

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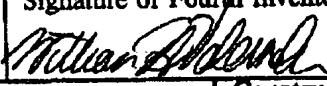
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Post Office Address 8010 Needwood Road, #204, Derwood, Maryland 20855		

Full Name of Second Inventor William N. DROHAN	Signature of Second Inventor	Date
Residence Address Springfield, Virginia	Country of Citizenship United States	
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Residence Address Chevy Chase, Maryland	Country of Citizenship United States	
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Residence Address Blacksburg, Virginia	Country of Citizenship United States	
Post Office Address 3014 Lancaster Drive, Blackburg, Virginia 24060		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent application of

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Henryk LUBON, *et al.*

Group Art Unit: 1632

Serial No.: 07/943,246

Examiner: D. CROUCH

Filed: September 10, 1992

For: **EXPRESSION OF A HETEROLOGOUS POLYPEPTIDE IN
MAMMARY TISSUE OF NON-HUMAN TRANSGENIC ANIMALS
USING A LONG WHEY ACIDIC PROTEIN PROMOTER**

**CONSENT OF ASSIGNEE FOR CORRECTION OF INVENTORSHIP
UNDER 37 CFR § 1.48(a)**

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

AMERICAN RED CROSS is the assignee of the above-identified patent application by virtue of an assignment recorded September 22, 1993. A copy of the filed assignment is herewith attached.


AMERICAN RED CROSS hereby consents to the correction of inventorship naming William H. Velander as a co-inventor in the above-identified patent application.

I am authorized to act on behalf of the assignee, AMERICAN RED CROSS.

Respectfully submitted,

American Red Cross

10/30/98
Date

Signature: 
Name: ROBERT DELL'ORCO, Ph.D.
Title: TECHNOLOGY TRANSFER ASSOCIATE

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 10/25/93
TO:

N06C

STEPHEN A. BENT
FOLEY & LARDNER
3000 K ST., NW
SUITE 500
WASHINGTON, DC 20007

1993

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:
LUBON, HENRYK

DOC DATE: 08/24/93

ASSIGNOR:
DROHAN, WILLIAM N.

DOC DATE: 08/19/93

RECORDATION DATE: 09/22/93 NUMBER OF PAGES 003 REEL/FRAME 6690/0979

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
AMERICAN RED CROSS
THE JEROME H. HOLLAND LABORATORY
15601 CRABBS BRANCH WAY
ROCKVILLE, MD 20855

SERIAL NUMBER 7-943246 FILING DATE 09/10/92
PATENT NUMBER ISSUE DATE 00/00/00

Nicole Scott
EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

ASSIGNMENT

For good and valuable consideration received of the hereinafter Assignee, receipt of which is hereby acknowledged, the undersigned Henryk Lubon and William N. Drohan, hereby sell and assign to the

American Red Cross,
The Jerome H. Holland Laboratory,
15601 Crabbs Branch Way,
Rockville, Maryland 20855,
United States of America,

the full right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

EXPRESSION OF ACTIVE HUMAN PROTEIN C IN MAMMARY
TISSUE OF TRANSGENIC ANIMALS USING A LONG WAP PROMOTER

as set forth in their United States Patent Application

Serial No. 07/943,246 filed September 10, 1992,

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to assure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testify

REF 6690 FRANK 980

in any proceedings relating to said inventions, patent applications and Letters Patent.

The undersigned hereby grant the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

Date: 8/24/93

Inventor: Henryk Lubon
Henryk LUBON

Post Office Address:

7416 Monona Terrace
Rockville, Maryland 20855

Date: 8/19/93

Inventor: William N. Drohan
William N. DROHAN

Post Office Address:

8417 Oakford Drive
Springfield, Virginia 22152

Date: 8.19.93

Witness: Paul C. Hibbard

Date: 8/24/93

Witness: Billy Lee

:
: SS
:

SEP 22 93

RECORDED
PATENT AND TRADEMARK
OFFICE

Before me personally appeared the above named who acknowledged the execution of the foregoing instrument as his free act and deed.

Date: 8/19/93
8/24/93

ANN B. WALLINGTON
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 14, 1998

Ann B. Wallington
Notary Public

REF 6690 FRAME 981

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 030523/0105

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PROTEIN PROMOTER

CONSENT OF ASSIGNEE FOR CORRECTION OF INVENTORSHIP
UNDER 37 CFR § 1.48(a)

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

GOVERNMENT OF THE UNITED STATES OF AMERICA, AS REPRESENTED BY
THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL INSTITUTES
OF HEALTH is the assignee of the above-identified patent application by virtue of an assignment recorded
September 22, 1993. A copy of the filed assignment is herewith attached.

GOVERNMENT OF THE UNITED STATES OF AMERICA, AS REPRESENTED BY
THE SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES, NATIONAL INSTITUTES
OF HEALTH hereby consents to the correction of inventorship naming William H. Volander as a co-inventor in
the above-identified patent application.

I am authorized to act on behalf of the assignee, GOVERNMENT OF THE UNITED
STATES OF AMERICA, AS REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH AND
HUMAN SERVICES, NATIONAL INSTITUTES OF HEALTH

Respectfully submitted,

Government of the United States of America, as
Represented By The Secretary, Department Of
Health And Human Services, National Institutes Of
Health

10/30/98
Date

Signature: Jack Spiegel

Name: Jack Spiegel, Ph.D.

Title: Director, Division of Technology
Development and Transfer
Office of Technology Transfer
National Institutes of Health

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98 NOV -2 PM 11:23



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 10/21/93
TO:

N06C

FOLEY & LARDNER
STEPHEN A. BENT
3000 K ST., NW
SUITE 500
WASHINGTON, DC 20007

UNITED STATES PATENT AND TRADEMARK OFFICE
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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:
HENNIGHAUSEN, LOTHER

DOC DATE: 09/07/93

RECORDATION DATE: 09/22/93 NUMBER OF PAGES 003 REEL/FRAME 6690/0982

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE:
UNITED STATES OF AMERICA, THE, AS REPRESENTED BY THE
SECRETARY, DEPARTMENT OF HEALTH AND HUMAN SERVICES NATIONAL
INSTITUTES OF HEALTH
OFFICE OF TECHNOLOGY TRANSFER
BOX OTT
BETHESDA, MD 20892

SERIAL NUMBER 7-943246 FILING DATE 09/10/92
PATENT NUMBER ISSUE DATE 00/00/00

Jeryl McDowell
EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

ASSIGNMENT

For good and valuable consideration received of the hereinafter Assignee, receipt of which is hereby acknowledged, the undersigned Lothar Hennighausen, hereby sells and assigns to the

Government of the United States of America,
as represented by the
Secretary, Department of Health and Human Services,
National Institutes of Health,
Office of Technology Transfer,
Box OTT,
Bethesda, Maryland 20892,
United States of America,

the full right, title and interest, so far as concerns the United States and the Territories and Possessions thereof and all foreign countries in and to the invention in

EXPRESSION OF ACTIVE HUMAN PROTEIN C IN MAMMARY
TISSUE OF TRANSGENIC ANIMALS USING A LONG WAP PROMOTER

as set forth in their United States Patent Application

Serial No. 07/943,246 filed September 10, 1992,

said application for United States Letters Patent, including all divisional, renewal, substitute, continuation and Convention applications based in whole or in part upon said inventions or upon said applications, and any and all Letters Patent and reissues and extensions of Letters Patent granted for said inventions or upon said applications and every priority right that is or may be predicated upon or arise from said inventions, said applications, and said Letters Patent; said Assignee being hereby authorized to file patent applications in any or all countries on any or all said inventions in the name of the undersigned or in the name of said Assignee or otherwise as said Assignee may deem advisable, under the International Convention or otherwise; the Commissioner of Patents and Trademarks of the United States of America being hereby authorized to issue or transfer all said Letters Patent to said Assignee in accordance herewith; this assignment being under covenant, not only that full power to make the same is had by the undersigned, but also that such assigned right is not encumbered by any grant, license, or other right theretofore given, and that the undersigned will do all acts reasonably serving to assure that the said inventions, patent applications and Letters Patent shall be held and enjoyed by said Assignee as fully and entirely as the same could have been held and enjoyed by the undersigned if this assignment had not been made, and particularly to execute and deliver to said Assignee all lawful documents including petitions, specifications, oaths, assignments, invention

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disclaimers, and lawful affidavits in form and substance which may be requested by said Assignee, to furnish said Assignee with all facts relating to said inventions or the history thereof and any and all documents, photographs, models, samples or other physical exhibits which may be of said inventions, and to testifying any proceedings relating to said inventions, patent applications and Letters Patent.

The undersigned hereby grants the firm of FOLEY & LARDNER the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

Date: 9/7/93 ^{LT}

Inventor: Lothar Hennighausen
Lothar HENNIGHAUSEN

Post Office Address:

8806 Altimont Lane
Chevy Chase, Maryland 20815

Date: 9/3/93

Witness: Purcell H. H. H.

Date: 9-7-93

Witness: Louisa Akar

Bethesda, Maryland :
: SS
:

Before me personally appeared the above named who acknowledged the execution of the foregoing instrument as his free act and deed.

Date: Sept. 7, 1993

Margaret E. Hawker
Notary Public
MARGARET E. HAWKER
NOTARY PUBLIC
STATE OF MARYLAND
COMMISSION EXPIRES FEB. 1, 1997

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